

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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U.S. SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	Civil Action No. 19-cv-5244 (AKH)
	:	
vs.	:	
	:	
KIK INTERACTIVE INC.,	:	
	:	
Defendant.	:	

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NOTICE OF RULE 30(b)(6) DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the defendant in the above-captioned action will take the deposition upon oral examination of one or more representatives authorized to testify on behalf of plaintiff U.S. Securities and Exchange Commission, who have knowledge of the topics listed in the attached Schedule A, at a place, date and time to be determined, before a notary public or other person authorized to administer oaths. The examinations will be recorded by a stenographer. The depositions shall continue day to day until completed or as agreed to by the parties.

Dated: October 3, 2019

Respectfully submitted,

By: /s/ Patrick E. Gibbs

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KIK INTERACTIVE INC.

SCHEDULE A

This Notice incorporates by reference the definitions set forth in Kik Interactive Inc.’s First Request for Production of Documents to Plaintiff U.S. Securities and Exchange Commission.

TOPICS

1. The SEC’s general knowledge and awareness of the existence of Virtual Currencies and/or Digital Assets, and of the existence of offerings or sales of same, during the period January 1, 2010 to the present.

2. The SEC’s position or policy, and any change to its position or policy, concerning the application of federal securities laws, regulations, or rules (including, but not limited to, the Securities Act of 1933) to Virtual Currencies, Digital Assets, and/or the offer and sale of Virtual Currencies or Digital Assets from January 1, 2013 to June 1, 2019, including any guidance or public statements issued by the SEC during that time.

3. The SEC’s decisions whether or not to issue public guidance, from January 1, 2013 to present, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

4. The SEC’s decision to issue the “Framework for ‘Investment Contract’ Analysis of Digital Assets, issued by Division of Corporation Finance,” available at <https://www.sec.gov/corpfin/framework-investment-contract-analysis-digital-assets>, the process by which it was prepared, and any determinations or guidance contained therein.

5. The SEC's position or policy, and any change to its position or policy, concerning the application of federal securities laws, regulations, or rules (including, but not limited to, the Securities Act of 1933) to Bitcoin and/or Ether from January 1, 2013 to June 1, 2019.

6. Communications between the SEC and the U.S. Department of Treasury (including, but not limited to, the Internal Revenue Service and the Financial Crimes Enforcement Network ("FinCEN")), from January 1, 2013 to June 1, 2019, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

7. Communications between the SEC and the U.S. Commodities Futures Trading Commission, from January 1, 2013 to June 1, 2019, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

8. Communications between the SEC and the Ontario Securities Commission, from January 1, 2017 to June 1, 2019, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Kin.

9. Communications between the SEC and foreign securities regulators, from January 1, 2015 to June 1, 2019, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

10. Communications between the SEC and members of the U.S. Congress, from January 1, 2013 to June 1, 2019, concerning the application of federal securities laws (including,

but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

11. Communications between the SEC and distributed ledger industry stakeholders or other groups representing the interests of entities working with Virtual Currencies and/or Digital Assets, from January 1, 2013 to June 1, 2019, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

12. Communications between the SEC and exchanges or trading platforms for Virtual Currencies and/or Digital Assets, from January 1, 2013 to June 1, 2019, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of Virtual Currencies and/or Digital Assets.

13. Communications between the SEC and elected federal or state officials, concerning the application of federal securities laws, regulations, or rules (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of Virtual Currencies and/or Digital Assets.

14. The factual basis for and circumstances surrounding the SEC's decision whether or not to issue public statements, from January 1, 2013 to present, concerning the application of federal securities laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

15. The process of reviewing, revising, approving, and issuing public statements, from January 1, 2013 to June 1, 2019, by the SEC concerning the application of federal securities

laws (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets.

16. Enforcement actions and investigations concerning the application of federal securities laws, regulations, or rules (including, but not limited to, the Securities Act of 1933) to Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets from January 1, 2013 to June 1, 2018, and the SEC's process and considerations for determining whether to pursue or initiate those enforcement actions and investigations.

17. The DAO Report, the SEC's investigation of the DAO, and the SEC's basis for not pursuing enforcement actions against the entities and individuals identified therein.

18. The SEC's investigation of and settled enforcement action against Block.one and the basis for the remedies and sanctions sought in that matter. *See* SEC Release No. 10714 (Sep. 30, 2019), *available at* <https://www.sec.gov/litigation/admin/2019/33-10714.pdf>.

19. Requests for no action letters concerning Virtual Currencies and/or Digital Assets and the offer and sale of such Virtual Currencies and/or Digital Assets submitted to the SEC from January 1, 2014 to June 1, 2019, and the SEC's process and considerations, and any changes in that process and those considerations, for determining whether to issue no action letters.

20. Proposed offerings of Virtual Currencies and/or Digital Assets under Regulation A of the Securities Act of 1933 considered by the SEC from January 1, 2015 to June 1, 2018, and the SEC's process and considerations, and any changes in that process and those considerations, for determining whether to approve those offerings.

21. The SEC's determination, position taken, or policy concerning the application of federal securities laws, regulations, or rules (including, but not limited to, the Securities Act of

1933) to individuals and entities responsible for projects listed on crowdfunding platforms such as Kickstarter.com and Indiegogo.com.